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America's Embargo on Imported Ideas

It's bad now, but First Amendment erosion didn't begin with Reagan

By Hodding Carter III

FOR THOSE WHO believe that information about public policy—and dissent from it—properly belong to the people, there is no such thing as a benevolent government. Some are better than others, but all are obsessed with the urge to shield the public from a full understanding of what is being done in its name.

I write this as a former official in the Carter administration who on several occasions publicly and privately supported actions that restricted the peoples' right to know. We were wrong in virtually every instance, not least because our actions contradicted the public stance and early positions of the president. The point here is not a mea culpa about a particular administration, but an admonition to beware of all.

Although that admonition is sometimes hard to remember in the face of the Reagan administration's unashamed and relentless assault on the free flow of information and opinion, it must not be forgotten. Government by nature is hostile to the idea that the nation's health, and ultimately its liberty, depend on vigorous, fully informed debate. When the time comes to decide, government more often than not comes down in favor of bureaucratic inertia, self-protection and the urge to hoard power, rather than for unfettered commerce in the marketplace of ideas.

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That fact was first brought home for me when I returned to Mississippi from the Marine Corps back in 1959 and discovered that it was as I had left it, a state in which dissent from prevailing orthodoxy was equated with communism. We had a speaker ban policy at all public colleges that insured not only that communists could not talk on public campuses, but also people like like my father, a politically moderate newspaper editor, or myself.

We had a legislature that had seriously entertained a proposal to erect an electronic curtain at the state's boundaries to segregate Mississippi from the contamination of "liberal, integrationist" views broadcast over the national media by the simple expedient of jamming the airwaves. We were a state in which it was well understood by the prevailing majority that anyone or any idea that questioned the established order was a threat not only to "our way of life," but to the nation. We were a state in which government officials at the state, county and local levels acted like so many delegates at a convention dedicated to thought control.

But that was Mississippi, which in my naivete at the time I thought was unique. It wasn't, and isn't. As a fine book by John Egerton called, "The Americanization of Dixie; the Southernization of America," made clear a few years ago, the values that once seemed to separate my section from the rest of the country are no longer so clear on either side. Not that an intellectual wave of terror is rolling out of the South to threaten the country, but rather that we don't recognize the symptoms when the bouts of intellectual and political malaria once prevalent in the South hit the rest of the country.

To jump forward 25 years from those dark days in Mississippi and observe the rationalizations of policy now fashionable in Washington is to wonder whether I ever left home. But it's vital to understand that too many of the trends now powerfully sweeping through the capital were tolerated and sometimes actively encouraged by former administrations, including the one I served from 1977 to 1980. Although the Reagan White House seems to believe that it has a right and duty to erect its own version of an electronic curtain between matters of alleged security and the people, it can find ample precedents in the recent past.

Though I'm proud of the number of ways in which former President Carter attempted to expand the definition of the people's right to know and to restrict heavy-handed governmental interference with that right, I'm also saddened by the number of ways in which we trimmed libertarian principles to fit short-term objectives.

Today there is considerable outcry about the exclusion of certain left-wing or communist figures from this country on specious, and I believe unconstitutional, grounds. But it was our administration — unfortunately to the cheers of some people on the left who should have known better — that excluded notorious figures on the international right, such as Ian Smith of Rhodesia, and far less controversial figures such as Bishop Abel Muzorewa, briefly Rhodesia's prime minister, for what were considered to be good and sufficient foreign policy reasons. It is worth noting that some on the far left who can't get a visa to come here under the Reagan aministration couldn't get one under the Carter administration, either.

And it was the Carter administration that initiated the ultimately successful court actions to strip former CIA agent Philip Agee of his passport and John Snepp of his right to publish information — much of it non-classified — gained from his days in the CIA. If Reagan officials today occasionally deny official certification vital to the profitable export of films and broadcast tapes from this country because of their political content, it should be remembered that roughly as many were denied the same certification in the last two years of the Carter administration as in the first two of this one.

Why bother to rehash old cases when new ones threaten to submerge meaningful free speech and debate in this country? Precisely because the problem is not one of political labels or causes, though it is too often seen in those terms. The names are different, but the principle is always the same. We cannot, as we have, point fingers at Moscow for refusing to let a Nobel laureate, Andrei Sakharov, *out* if we refuse to let another Nobel laureate, Colombian author Gabriel Garcia-Marquez, *in*, as we have. Democrats should remember their own record before throwing stones at the Republicans. And it's necessary to remember the bipartisan addiction to news management in its various forms, because ideology has little to do with most government attempts to fine-tune the First Amendment or subvert the Freedom of Information Act or classify every piece of paper that shivers its way onto a desk. The reasons are far more banal than sinister, more expedient than ideological. Ask the former government official, like me, who argued passionately for some form of statist control 10 or five years ago to repeat his justifications today, and more than likely he will sheepishly admit they don't hold up.

What's actually involved is not national security but power, which in most societies is inextricably linked to information. The bureaucrat who can classify information has power. The government official who can set

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the time and terms for the release of information has power. The politician who knows the truth about the workings of a government program at home or a policy abroad is more powerful than one who does not. The American people, adequately informed about what their government is doing and what others think of it, are more powerful than when they are not. And as the security state grows ever larger, it sees danger to its power at home and abroad in every story and every opinion that calls into question what it is doing.

So if it's more virulent today than at any time in my lifetime, and it is, the urge to control the terms of public debate by limiting those who can debate and the information that can be debated has deep roots.

Government will do what governments do. The real question is what those who know better will do in response. Here, the record is mixed at best and dismal at worst. Even as government tries to encroach on new territory or take another slice of salami, too many of those whose duty it is to defend the territory or whose salami is being sliced seem to be either ritual in their denunciations or silent. What is more depressing is the number that actively cheer the assault on their freedoms or give it respectability through exquisite sophistry. Here I am talking about those columnists and commentators, journalists and publishers who willingly make the case for more government restrictions most often in the name of "national security." Read some of the mainstream press outside of metropolitan areas, (or even the mainstream press in too many big cities) and you find elaborate apologia for the government's zeal to protect us from foreign ideology, alien cultures or news about what it is doing.

Here my experience in Mississippi arises again. What was most appalling about the now dead days of massive resistance there was the massive support government suppression received from editorial pages, pulpits and lecterns. Frenzied by the threat of "outside agitators," fearful that segregation was an idea whose time had come and gone, virtually every organized force in white society there happily jettisoned the Bill of Rights in its last-ditch defense.

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For all of that, though, the most flagrant examples of ideological exclusion now occur daily and nightly in our constitutionally-protected media. Watch the evening news or read the editorial and op ed pages of most newspapers. The ideas that get a serious hearing, the voices that are regularly heard, represent a span of ideology that covers the narrow band from middle right to barely left of center. God save you if you have a truly dissenting point of view, or a radical one of any stripe.

In the contest (and that is what it is) between journalism's duty to reflect all facets of the society and government's desire to control the terms and flow of the debate, journalism often gets trapped by its own forms. For instance, it is a good thing that we resolved after the McCarthy era never again to report accusations at a forum without an accompanying rebuttal. (That the resolution is more honored in the breach than in the observance is another matter.) But that principle becomes a hollow excuse to give government a free ride if, because its officials will not appear on a network show to debate a certain policy, the network will not give air time to critics of that policy. Yet that is a policy regularly exploited by this administration so that in the interest of *fair* debate, *full* debate is stifled on the airwaves.

If the people in my current line of work — journalism — cared as much about this aspect of their business as they do about the business of the business, they would simply say to the administration, "Okay, you won't appear. Too bad, but we are going to go forward with those who will. The voices that are willing to speak on the subject will be heard. Those who aren't, won't." The reality is that government initially holds and long dominates the high ground in any national debate. To say simply that there is no debate if the government says there isn't is to give up entirely and to play the censor's game for him.

So what should be done, and why?

As to what should be done, we have the admonition of former U.S. Circuit Court Judge Harold Medina. He was speaking about the press, but the application is far wider: "Some people think that [we] would perhaps accomplish more if [our] claims of constitutional rights were less expansive. I do not agree with this. It is [our] duty to fight like tigers right down the line and not give an inch. This is the way our freedoms have been preserved in the past and it's the way they will be preserved in the future."

How do we do it? As I have painful reason to remember from my days in the Carter administration, repetition of an idea can have profound effect. Remember "America Held Hostage?" Remember, "Day XYZ" of the hostage crisis? The same kind of repetition in favor of the basic principles of the Bill of Rights could have an equally profound effect on the national debate. It would take dedication on the part of the many organizations that exist because of the nation's formal commitment to the free flow of news and ideas. It would risk boring the audience, a thought particularly frightening to those who control the mass media in America today.

But it's the only way. Over and over, the message must be the same:

First, that few good reasons exist for government's standing between the people and the facts about what it is doing. Second, absolutely nothing justifies depriving the American people of the opportunity to hear and read all varieties of opinion.

That must be said at every opportunity and from every forum, just as government inexorably advances its excuses for controlling information and opinion.

As to why that must be said, we have the testimony of Alexander Solzhenitsyn. As he once wrote to the writers' union of the Russian republic: "It is time to remember that the first thing we belong to is humanity and humanity is separated from the animal world by thought and speech and they should naturally be free. If they are fettered, we will go back to being animal. Publicity and openess, honest and complete, that is the prime condition for the health of every society. The man who does not want these for his fatherland does not want to cleanse it of its diseases, but to drive them inside so they may rot there."

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